

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| | X |
| BRITNEY ALEXANDER | : |
| <i>as representative of Hans Alexander,</i> | : |
| Plaintiff, | : |
| -against- | : |
| CITY OF NEW YORK, et al., | : |
| Defendants, | : |
| | X |

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| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: <u> </u> |
| DATE FILED: <u>01/09/2020</u> |

17 Civ. 3170 (LGS)

SCEDULING ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS this action is trial ready.

WHEREAS this Court presided over a trial in *Cabral v. City of New York, et al.*, 12 Civ. 4659 (LGS), involving allegations that are similar in nature to the issues in this case. It is hereby,

ORDERED that the parties shall review *Cabral v. City of New York*, reconsider their positions, confer with each other and file a joint status letter on **February 10, 2020**. Following a trial in *Cabral*, a jury found that:

1. The Vehicle Search:

- i. Plaintiff's vehicle was unlawfully searched;
- ii. Plaintiff was not entitled to compensatory damages; and;
- iii. Plaintiff was awarded \$1.00 in nominal damages.

2. Unlawful Detention:

- i. Plaintiff was awarded \$100.00 compensatory damages as a result of his unlawful detention before marijuana was found; and
- ii. Plaintiff was not awarded nominal damages.

3. Punitive Damages:

i. Plaintiff was awarded \$110,000.00 in punitive damages. On Defendant's motion, the Court remitted the punitive damages award to \$10,000.00, to which Plaintiff agreed. It is further,

ORDERED that this action will be placed in first place on the Court's May 2020 trial-ready calendar; the jury trial will begin on **May 4, 2020 at 9:45 a.m** or the Court's first available date thereafter. It is further,

ORDERED that the parties shall be ready to proceed on 24 hours' notice on or after May 4, 2020. It is further,

ORDERED that in accordance with and as further provided in Individual Rule IV.B:

(1) Any motions *in limine* shall be filed by **March 20, 2020**. Responses to the motions shall be filed by **March 30, 2020**. No reply shall be filed. The parties shall follow the Court's Individual Rules regarding such motion.

(2) Joint requests to charge, *voir dire*, verdict form, and any memorandum of law, as provided in the Court's Individual Rules, shall be filed by **March 30, 2020**.

(3) The final pretrial order shall be filed **April 6, 2020**.

* * * *

The parties are encouraged to:

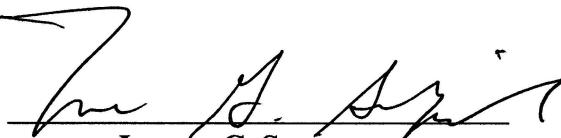
(1) Review 12 Civ. 4659 (LGS)
(2) Contact Courtroom Deputy James Street at (212) 805-4553 closer to the trial date if they wish to know where they stand on this list.

(3) Confer and consent to a trial before a Magistrate Judge (per the attached form) if they wish to have a trial date certain or if they wish a different trial date. If a Magistrate Judge has overseen settlement discussions, the parties may request a different Magistrate Judge (to be randomly selected) as the trial judge.

(4) Confer and advise the Court immediately by joint letter if they would like a referral to a Magistrate Judge or court appointed mediator for a settlement conference. Such referral will not stay the dates in this Order.

The final pretrial conference will be scheduled closer to the trial date.

Dated: January 9, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
 for the
SOUTHERN DISTRICT OF NEW YORK

Plaintiff _____)
 v. _____)
 _____) Civil Action No.

Defendant _____)
 _____)

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Printed names of parties and attorneys

Signatures of parties or attorneys

Dates

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.